

SENATE BILL NO. 130

INTRODUCED BY MCGEE

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AND THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AUTHORITY FOR ~~A LICENSING AN~~ AGREEMENT BETWEEN THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR THE RECREATIONAL USE OF STATE TRUST LAND FOR HUNTING, FISHING, AND TRAPPING PURPOSES; PROVIDING FOR THE RECREATIONAL USES OF STATE TRUST LAND FOR OTHER THAN HUNTING, FISHING, AND TRAPPING PURPOSES TO COMPENSATE STATE TRUST LAND BENEFICIARIES FOR THE USE AND IMPACTS ASSOCIATED WITH HUNTING, FISHING, AND TRAPPING ON LEGALLY ACCESSIBLE STATE TRUST LANDS AS DEFINED IN DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION RULES; PROVIDING THAT ~~45 10~~ PERCENT OF THE GROSS REVENUE RECEIVED AS A RESULT OF A RECREATIONAL USE LICENSING ~~THE AGREEMENT BE DEPOSITED IN THE STATE LANDS RECREATIONAL USE ACCOUNT AND 85 90~~ PERCENT ALL 10 PERCENT OF THE GROSS REVENUE RECEIVED AS A RESULT OF THE AGREEMENT BE DEPOSITED IN THE STATE LANDS RECREATIONAL USE ACCOUNT AND 90 PERCENT OF THE REVENUE RECEIVED BE ALLOCATED AMONG THE ~~INSTITUTIONAL~~ TRUSTS; PROVIDING THAT ~~A LICENSING AN~~ AGREEMENT BETWEEN THE DEPARTMENTS DOES NOT CONSTITUTE CONSIDERATION WITH REGARD TO THE RESTRICTION OF LIABILITY OF A LANDOWNER; INCLUDING ~~LICENSING AGREEMENT RATES~~ FEES FOR HUNTING, FISHING, AND TRAPPING PURPOSES PURSUANT TO AN AGREEMENT BETWEEN THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AS ONE OF THE ACTIONS FOR WHICH THE BOARD OF LAND COMMISSIONERS SHALL CONSIDER VARIOUS IMPACTS INCLUDING MANAGEMENT EXPENSES, WATER DEVELOPMENT, WEED CONTROL, AND FIRE CONTROL; PROVIDING AN EXEMPTION TO THE REQUIREMENT FOR A RECREATIONAL USE LICENSE FOR RECREATIONAL USE OF STATE TRUST LAND FOR HUNTING, FISHING, AND TRAPPING PURPOSES IF ~~A RECREATIONAL USE LICENSING AN~~ AGREEMENT IS REACHED BETWEEN THE TWO DEPARTMENTS ~~AND OTHER COMPENSATION IS MADE TO THE INSTITUTIONAL TRUSTS TO COMPENSATE FOR USES OTHER THAN HUNTING, FISHING, AND TRAPPING~~; PROVIDING AN ALLOCATION SCHEME FOR REVENUE RECEIVED AS A RESULT OF A



1 RECREATIONAL USE LICENSING AN AGREEMENT; PROVIDING RULEMAKING AUTHORITY FOR THE
 2 BOARD OF LAND COMMISSIONERS FOR THE IMPLEMENTATION AND ADMINISTRATION OF A
 3 RECREATIONAL USE LICENSING AGREEMENT; ADDING ACQUISITION OF ACCESS AND MAINTENANCE
 4 OF ROADS NECESSARY FOR PUBLIC RECREATIONAL USE OF STATE TRUST LAND AS A QUALIFIED
 5 USE OF FUNDS IN THE RECREATIONAL USE ACCOUNT; INCREASING THE RESIDENT AND
 6 NONRESIDENT WILDLIFE CONSERVATION LICENSE FEES BY ~~\$1.25~~ \$2 EACH; AMENDING SECTIONS
 7 70-16-302, 77-1-106, 77-1-801, 77-1-802, ~~77-1-804~~, 77-1-808, AND 87-2-202, MCA; AND PROVIDING A
 8 DELAYED EFFECTIVE DATE."

9
 10 WHEREAS, the Department of Natural Resources and Conservation presently authorizes the public to
 11 use state school trust land through individual recreational use licenses; and

12 WHEREAS, the primary recreational uses of state school trust land are hunting and fishing; and

13 WHEREAS, the Department of Natural Resources and Conservation and the Department of Fish,
 14 Wildlife, and Parks wish to provide a more efficient system for authorizing public recreational use for hunting,
 15 fishing, and trapping on state trust land and concurrently provide greater benefit to the institutional beneficiaries
 16 of the trust; and

17 WHEREAS, the Department of Fish, Wildlife, and Parks has the discretionary authority in section
 18 87-1-209, MCA, to enter into ~~a licensing~~ AN agreement ~~on behalf of the public~~ TO COMPENSATE STATE TRUST LAND
 19 BENEFICIARIES for the ~~recreational uses of school trust land for~~ USE AND IMPACTS ASSOCIATED WITH hunting, fishing,
 20 and trapping ON LEGALLY ACCESSIBLE STATE TRUST LAND AS DEFINED BY DEPARTMENT OF NATURAL RESOURCES AND
 21 CONSERVATION RULE; and

22 WHEREAS, the Department of Fish, Wildlife, and Parks needs additional revenue to offset the cost of
 23 ~~a general licensing~~ AN agreement with the Department of Natural Resources and Conservation to ~~secure the~~
 24 ~~recreational rights of~~ COMPENSATE STATE TRUST LAND BENEFICIARIES FOR THE USE AND IMPACTS ASSOCIATED WITH
 25 hunting, fishing, and trapping on LEGALLY ACCESSIBLE state trust land; and

26 WHEREAS, the Department of Natural Resources and Conservation and the Department of Fish,
 27 Wildlife, and Parks have reached an agreement that, given the legislative authority, they intend to enter into a
 28 ~~licensing~~ AN agreement for the recreational use of school trust land parcels for hunting, fishing, and trapping
 29 purposes.

30

1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

2

3 NEW SECTION. Section 1. Recreational use licensing agreement for hunting, fishing, and

4 trapping ON LEGALLY ACCESSIBLE STATE TRUST LAND. (1) The board is authorized to ~~license~~ ENTER INTO AN

5 AGREEMENT WITH the department of fish, wildlife, and parks to ~~make parcels of state trust land as described in~~

6 ~~77-1-401 available for recreational use by the public for~~ COMPENSATE STATE TRUST LAND BENEFICIARIES FOR THE

7 USE AND IMPACTS ASSOCIATED WITH hunting, fishing, and trapping ~~purposes~~ ON LEGALLY ACCESSIBLE STATE TRUST

8 LAND AS DEFINED IN DEPARTMENT RULE. The department may impose restrictions it considers necessary to

9 coordinate the uses of state trust land or to preserve the purposes of the various trust lands. Hunting, fishing,

10 and trapping on state trust land must be conducted in accordance with rules and provisions provided in this part.

11 (2) ~~A license~~ AN AGREEMENT may be issued to the department of fish, wildlife, and parks for a term of

12 up to 10 years. Through this ~~licensing~~ agreement, the board shall recover for the ~~institutional~~ beneficiaries of

13 the trust the full market value ~~of the public recreational rights that are conveyed~~ FOR THE USE AND IMPACTS

14 ASSOCIATED WITH HUNTING, FISHING, AND TRAPPING ON LEGALLY ACCESSIBLE STATE TRUST LAND. ~~Fifteen~~ TEN percent

15 ~~of the gross receipts from a license~~ THE AGREEMENT must be deposited in the ~~state lands recreational use~~

16 ~~account established in 77-1-808.~~ ~~The remaining 85%~~ 90% ALL OF THE GROSS RECEIPTS FROM THE AGREEMENT TEN

17 PERCENT OF THE GROSS RECEIPTS FROM THE AGREEMENT MUST BE DEPOSITED IN THE STATE LANDS RECREATIONAL USE

18 ACCOUNT ESTABLISHED IN 77-1-808. ~~THE REMAINING 90%~~ must be apportioned on a pro rata basis to the land trusts,

19 in proportion to the respective trust's percentage of acreage in the total acreage of all state land trusts, ~~IN~~

20 ACCORDANCE WITH ARTICLE X, SECTION 5, OF THE MONTANA CONSTITUTION. THE DEPARTMENT MAY NOT DEDUCT ANY

21 AMOUNT FOR ADMINISTRATIVE PURPOSES PRIOR TO ALLOCATING THE GROSS RECEIPTS TO THE RESPECTIVE TRUSTS.

22 (3) ANY AGREEMENT ENTERED INTO IS SUBJECT TO THE FOLLOWING CONDITIONS:

23 (A) THE DEPARTMENT MAINTAINS SOLE DISCRETION, THROUGHOUT THE TERM OF THE AGREEMENT, WITH REGARD

24 TO IDENTIFYING LEGALLY ACCESSIBLE PARCELS, COORDINATING USES ON STATE TRUST LAND, AND ANY OTHER

25 NECESSARY STATE TRUST LAND MANAGEMENT DECISIONS.

26 (B) AN AGREEMENT BETWEEN THE DEPARTMENT AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS MAY NOT

27 CONVEY ANY ADDITIONAL AUTHORITY TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS.

28 (3)(4) During any period that the department of fish, wildlife, and parks ~~has obtained a license for~~

29 ~~recreational use by the public for hunting, fishing, and trapping on parcels of state trust land~~ AND THE DEPARTMENT

30 HAVE REACHED AN AGREEMENT AS PROVIDED IN SUBSECTION (1), an individual recreational use license under

1 77-1-801 or 77-1-802 may not be required for a member of the public to hunt, fish, or trap upon ~~the parcels~~
 2 ~~affected by the license agreement~~ LEGALLY ACCESSIBLE STATE TRUST LAND.

3
 4 ~~NEW SECTION. Section 2. Recreational uses of state trust lands for other than hunting, fishing,~~
 5 ~~or trapping -- funds.~~ (1) The public may use state trust land for recreational uses other than hunting, fishing,
 6 and trapping under restrictions and regulations established by the board pursuant to 77-1-804 if:

7 ~~(a) the various trusts are fully compensated for the recreational use of state trust land by the public for~~
 8 ~~hunting, fishing, and trapping purposes through a licensing agreement with the department of fish, wildlife, and~~
 9 ~~parks pursuant to [section 1]; and~~

10 ~~(b) the department:~~

11 ~~(i) fully compensates the various trusts for recreational uses other than hunting, fishing, and trapping;~~
 12 ~~or~~

13 ~~(ii) requires a recreational use license under 77-1-801 for these other uses.~~

14 ~~(2) The department, in lieu of requiring a recreational use license for these other uses under 77-1-801,~~
 15 ~~may fully compensate the various trusts for these other recreational uses in a manner and in an amount separate~~
 16 ~~and apart from [section 1] and that is approved by the board.~~

17 ~~(3) Funds received from the department of fish, wildlife, and parks as a result of a recreational use~~
 18 ~~licensing agreement may only be:~~

19 ~~(a) used to compensate the trusts for the public's use of state trust land for hunting, fishing, and~~
 20 ~~trapping; and~~

21 ~~(b) deposited in the state lands recreation use account as provided in [section 1].~~

22
 23 **Section 2.** Section 70-16-302, MCA, is amended to read:

24 **"70-16-302. Restriction on liability of landowner.** (1) A person who uses property, including property
 25 owned or leased by a public entity, for recreational purposes, with or without permission, does so without any
 26 assurance from the landowner that the property is safe for any purpose if the person does not give a valuable
 27 consideration to the landowner in exchange for the recreational use of the property. The landowner owes the
 28 person no duty of care with respect to the condition of the property, except that the landowner is liable to the
 29 person for any injury to person or property for an act or omission that constitutes willful or wanton misconduct.
 30 For purposes of this section, valuable consideration does not include the state land recreational use license fee

1 imposed under 77-1-802 or other funds provided under ~~sections 1 and 2~~ [SECTION 1].

2 (2) As used in this part, "landowner" means a person or entity of any nature, whether private,
3 governmental, or quasi-governmental, and includes the landowner's agent, tenant, lessee, occupant, grantee
4 of conservation easement, water users' association, irrigation district, drainage district, and persons or entities
5 in control of the property or with an agreement to use or occupy property.

6 (3) As used in this part, "property" means land, roads, water, watercourses, and private ways. The term
7 includes any improvements, buildings, structures, machinery, and equipment on property.

8 (4) The department of fish, wildlife, and parks, when operating under an agreement with a landowner
9 or tenant to provide recreational snowmobiling opportunities, including but not limited to a snowmobile area,
10 subject to the provisions of subsection (1), on the landowner's property and when not also acting as a
11 snowmobile area operator on the property, does not extend any assurance that the property is safe for any
12 purpose, and the department, the landowner, or the landowner's tenant may not be liable to any person for any
13 injury to person or property resulting from any act or omission of the department unless the act or omission
14 constitutes willful or wanton misconduct."
15

16 **Section 3.** Section 77-1-106, MCA, is amended to read:

17 **"77-1-106. Setting of rates or fees -- rules.** (1) In setting the lease rental rates, licensing agreement
18 rates, or fees for the use of state lands and cabin sites, the board shall consider the impact of the uses on the
19 school trust asset, lessee expenses for management, water development, weed control, fire control, the term
20 of the lease, the production capabilities, the conditions on the lease payment, and any other required expenses
21 reasonably borne by the lessee. In setting cabin site lease rates, the board shall consider expenses that are
22 commonly incurred by the lessees to preserve the value of the state land or to provide services commonly
23 provided by private lessors in the area.

24 (2) All lease rental rates, licensing agreement rates, and fees established by the board under 77-1-208,
25 77-1-802, [section 1], [section 2], 77-6-202, 77-6-501, 77-6-502, and 77-6-507 must consider the trust asset and
26 be in the best interests of the state with regard to the long-term productivity of the school trust lands, while
27 optimizing the return to the school trust.

28 (3) The board shall comply with Title 2, chapter 4, part 3, in setting rental rates, licensing agreement
29 rates, and license fees pursuant to 77-1-208, 77-1-802, [section 1], [section 2], 77-6-202, 77-6-501, 77-6-502,
30 and 77-6-507."

1

2 **Section 4.** Section 77-1-801, MCA, is amended to read:

3 **"77-1-801. Recreational use license required to use state lands for general recreational purposes**

4 **-- penalty -- exemption.** (1) ~~A Except as provided in subsections SUBSECTION (3) and (4),~~ a person 12 years of
5 age or older shall obtain an annual recreational use license pursuant to 77-1-802 to use state lands, as defined
6 in 77-1-101, for general recreational purposes.

7 (2) ~~A Except as provided in subsections SUBSECTION (3) and (4),~~ a person shall, upon the request of a
8 peace officer or fish and game warden, present for inspection his the person's recreational use license.

9 (3) ~~If the department and the department of fish, wildlife, and parks consent to and sign a recreational~~
10 ~~use licensing~~ AN agreement for hunting, fishing, and trapping purposes, as provided in [sections 1 and 2]
11 [SECTION 1], a person is not required to obtain a recreational use license for use of LEGALLY ACCESSIBLE state
12 TRUST land parcels for hunting, fishing, and trapping purposes.

13 (4) ~~If the department fully compensates the trusts for the recreational use of state trust land by the public~~
14 ~~for recreational purposes other than hunting, fishing, and trapping, as provided in [section 2], a person is not~~
15 ~~required to obtain a recreational use license for these other uses on state lands.~~

16 (3)(5)(4) A violator of subsection (1) or (2) is guilty of a misdemeanor and shall be fined not less than
17 \$50 or more than \$500, imprisoned in the county jail for not more than 6 months, or both."

18

19 **Section 5.** Section 77-1-802, MCA, is amended to read:

20 **"77-1-802. Recreational use license -- fee.** (1) The fee for a recreational use license ON STATE TRUST
21 LAND must attain full market value: whether the license is sold on an individual basis or on a group basis through
22 a recreational use licensing AN agreement with the department of fish, wildlife, and parks as provided in [section
23 1].

24 (2) ~~Money Except as provided in [sections 1 and 2], money~~ MONEY received by the department from
25 the sale of recreational use licenses must be credited as follows:

26 (a) Except as provided in subsection (2)(b), license fees must be apportioned on a pro rata basis to the
27 land trusts, in proportion to the respective trust's percentage ~~contribution to~~ of acreage in the total acreage of
28 all state land trusts.

29 (b) Two dollars from the fee for each license, less 50 cents to be returned to the license dealer as a
30 commission, must be deposited in the state lands recreational use account established by 77-1-808.

1 (3) ~~The If the department and the department of fish, wildlife, and parks do not agree to a recreational~~
 2 ~~use licensing agreement, the~~ THE department may contract with the department of fish, wildlife, and parks for
 3 the distribution and sale of recreational use licenses through the license agents appointed by and the
 4 administrative offices of the department of fish, wildlife, and parks and in accordance with the provisions of Title
 5 87, chapter 2, part 9."

6
 7 ~~Section 7.~~ Section 77-1-804, MCA, is amended to read:
 8 ~~"77-1-804. Rules for recreational use of state lands -- penalty.~~ (1) The board shall adopt rules
 9 authorizing and governing the recreational use of state lands allowed under 77-1-203. The board shall use local
 10 offices of the department to administer this program whenever practical:

11 ~~(2) Rules adopted under this section must address the circumstances under which the board may close~~
 12 ~~legally accessible state lands to recreational use, including parcels subject to the recreational use licensing~~
 13 ~~agreement provided for in [section 1].~~ Action by the board may be taken upon its own initiative or upon petition
 14 by an individual, organization, corporation, or governmental agency. Closures may be of an emergency,
 15 seasonal, temporary, or permanent nature. State lands may be closed by the board only after public notice and
 16 opportunity for public hearing in the area of the proposed closure, except when the department is acting under
 17 rules adopted by the board for an emergency closure. Closed lands must be posted by the lessee at customary
 18 access points, with signs provided or authorized by the department.

19 ~~(3) Closure rules adopted pursuant to subsection (2) may categorically close state lands whose use or~~
 20 ~~status is incompatible with recreational use. Categorical or blanket closures may be imposed on state lands due~~
 21 ~~to:~~

- 22 ~~(a) cabin site and homesite leases and licenses;~~
 23 ~~(b) the seasonal presence of growing crops; and~~
 24 ~~(c) active military, commercial, or mineral leases.~~

25 ~~(4) The board shall adopt rules that provide an opportunity for any individual, organization, or~~
 26 ~~governmental agency to petition the board for purposes of excluding a specified portion of state land from a~~
 27 ~~categorical closure that has been imposed under subsection (3):~~

28 ~~(5) Under rules adopted by the board, state lands may be closed on a case-by-case basis for certain~~
 29 ~~reasons, including but not limited to:~~

- 30 ~~(a) damage attributable to recreational use that diminishes the income-generating potential of the state~~

1 lands;

2 ~~—— (b) damage to surface improvements of the lessee;~~

3 ~~—— (c) the presence of threatened, endangered, or sensitive species or plant communities;~~

4 ~~—— (d) the presence of unique or special natural or cultural features;~~

5 ~~—— (e) wildlife protection;~~

6 ~~—— (f) noxious weed control; or~~

7 ~~—— (g) the presence of buildings, structures, and facilities.~~

8 ~~—— (6) Rules adopted under this section may impose restrictions upon general recreational activities,~~
 9 ~~including the discharge of weapons, camping, open fires, vehicle use, and any use that will interfere with the~~
 10 ~~presence of livestock. The board may also by rule restrict access on state lands in accordance with a block~~
 11 ~~management program administered by the department of fish, wildlife, and parks. Motorized vehicle use by~~
 12 ~~recreationists on state lands is restricted to federal, state, and dedicated county roads and to those roads~~
 13 ~~designated by the department to be open to motorized vehicle use.~~

14 ~~—— (7) (a) The board shall adopt rules providing for the issuance of a recreational special use license.~~
 15 ~~Commercial or concentrated recreational use, as defined in 77-1-101, is prohibited on state lands unless it~~
 16 ~~occurs under the provisions of a recreational special use license. The board may also adopt rules requiring a~~
 17 ~~recreational special use license for recreational use that is not commercial, concentrated, or within the definition~~
 18 ~~of general recreational use.~~

19 ~~—— (b) If the department and the department of fish, wildlife, and parks both consent to and sign a~~
 20 ~~recreational use licensing agreement, the board shall adopt rules for implementation and administration of the~~
 21 ~~licensing agreement as provided in [section 1].~~

22 ~~—— (8) For a violation of rules adopted by the board pursuant to this section, the department may assess~~
 23 ~~a civil penalty of up to \$1,000 for each day of violation. The board shall adopt rules providing for notice and~~
 24 ~~opportunity for hearing in accordance with Title 2, chapter 4, part 6. Civil penalties collected under this~~
 25 ~~subsection must be deposited as provided in 87-1-601(7)."~~

26

27 **Section 6.** Section 77-1-808, MCA, is amended to read:

28 **"77-1-808. State lands recreational use account.** (1) There is a state lands recreational use account
 29 in the state special revenue fund provided for in 17-2-102.

30 (2) There must be deposited in the account:

1 (a) all revenue received from the recreational use license established by 77-1-802; ~~and AND~~
 2 ~~—— (b) 15% 10% of the revenue received as a result of licensing AN AGREEMENT WITH the department of fish,~~
 3 ~~wildlife, and parks for the public recreational rights USE AND IMPACTS of hunting, fishing, and trapping as provided~~
 4 ~~in [section 1]; and~~
 5 (B) 10% OF THE REVENUE RECEIVED AS A RESULT OF AN AGREEMENT WITH THE DEPARTMENT OF FISH, WILDLIFE,
 6 AND PARKS FOR THE USE AND IMPACTS OF HUNTING, FISHING, AND TRAPPING AS PROVIDED IN [SECTION 1]; AND
 7 ~~(b)(c)(D)(C)~~ money received by the department in the form of legislative appropriations, reimbursements,
 8 gifts, federal funds, or appropriations from any source intended to be used for the purposes of this account.
 9 (3) Money deposited in the state lands recreational use account must be used by the department for
 10 the following purposes:
 11 (a) compensation pursuant to 77-1-809 for damage to the improvements of leases that has been proved
 12 to be caused by recreational users;
 13 (b) assistance in weed control management necessary as a result of recreational use of state lands;
 14 (c) protection of the resource value of the trust assets; ~~and~~
 15 (d) administration and management for the implementation of recreational use of state lands; ~~and~~
 16 ~~(e) acquisition of access and maintenance of roads necessary for public recreational use of state trust~~
 17 ~~land and other related uses."~~

18
 19 **Section 7.** Section 87-2-202, MCA, is amended to read:
 20 **"87-2-202. (Temporary) Application -- fee -- expiration.** (1) A wildlife conservation license must be
 21 sold upon written application. The application must contain the applicant's name, age, [social security number,]
 22 occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in
 23 the state of Montana, and status as a citizen of the United States or as an alien and must be signed by the
 24 applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's
 25 identification card, or other identification specified by the department to substantiate the required information
 26 when applying for a wildlife conservation license. It is the applicant's burden to provide documentation
 27 establishing the applicant's identity and qualifications to purchase a wildlife conservation license. It is unlawful
 28 and a misdemeanor for a license agent to sell a wildlife conservation license to an applicant who fails to produce
 29 the required identification at the time of application for licensure.
 30 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be

1 recorded according to rules that the department may prescribe.

2 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of ~~\$4~~ ~~\$5.25~~ \$6.

3 (b) Nonresident wildlife conservation licenses may be purchased for a fee of ~~\$7~~ ~~\$8.25~~ \$9.

4 (c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the
5 wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access
6 enhancement fee of \$2 is assessed. The additional fee may be used by the department only to encourage
7 enhanced hunting access through the hunter management and hunting access enhancement programs
8 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when
9 the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only
10 once during any license year.

11 (d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses
12 the wildlife conservation license as a prerequisite to purchase a hunting license, except a variably priced
13 outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268, an additional hunting access
14 enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage
15 enhanced hunting access through the hunter management and hunting access enhancement programs
16 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when
17 the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable
18 only once during any license year.

19 (4) Licenses issued are void after the last day of February next succeeding their issuance.

20 [(5) The department shall keep the applicant's social security number confidential, except that the
21 number may be provided to the department of public health and human services for use in administering Title
22 IV-D of the Social Security Act.]

23 (6) The department shall delete the applicant's social security number in any electronic database [5
24 years after the date that application is made for the most recent license]. (Terminates March 1, 2006--sec. 9, Ch.
25 216, L. 2001; bracketed language terminates or is amended on occurrence of contingency--sec. 3, Ch. 321, L.
26 2001.)

27 **87-2-202. (Effective March 1, 2006) Application -- fee -- expiration.** (1) A wildlife conservation license
28 must be sold upon written application. The application must contain the applicant's name, age, [social security
29 number,] occupation, street address of permanent residence, mailing address, qualifying length of time as a
30 resident in the state of Montana, and status as a citizen of the United States or as an alien and must be signed

1 by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's
 2 identification card, or other identification specified by the department to substantiate the required information
 3 when applying for a wildlife conservation license. It is the applicant's burden to provide documentation
 4 establishing the applicant's identity and qualifications to purchase a wildlife conservation license. It is unlawful
 5 and a misdemeanor for a license agent to sell a wildlife conservation license to an applicant who fails to produce
 6 the required identification at the time of application for licensure.

7 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be
 8 recorded according to rules that the department may prescribe.

9 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of ~~\$4~~ \$5.25 ~~\$6~~.

10 (b) Nonresident wildlife conservation licenses may be purchased for a fee of ~~\$7~~ \$8.25 ~~\$9~~.

11 (4) Licenses issued are void after the last day of February next succeeding their issuance.

12 [(5) The department shall keep the applicant's social security number confidential, except that the
 13 number may be provided to the department of public health and human services for use in administering Title
 14 IV-D of the Social Security Act.]

15 (6) The department shall delete the applicant's social security number in any electronic database [5
 16 years after the date that application is made for the most recent license]. (Bracketed language terminates or is
 17 amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001.)"

18

19 **NEW SECTION. SECTION 8. CONTINGENT VOIDNESS.** (1) IF THE DEPARTMENT OF NATURAL RESOURCES AND
 20 CONSERVATION AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS DO NOT SIGN AN AGREEMENT TO COMPENSATE
 21 STATE TRUST LAND BENEFICIARIES FOR THE USE AND IMPACTS ASSOCIATED WITH HUNTING, FISHING, AND TRAPPING ON
 22 STATE TRUST LAND BY [THE EFFECTIVE DATE OF THIS ACT], THEN [THIS ACT] IS VOID. THE DEPARTMENT OF NATURAL
 23 RESOURCES AND CONSERVATION SHALL NOTIFY THE CODE COMMISSIONER OF THE FAILURE TO REACH AN AGREEMENT.

24 (2) (A) IF AN AGREEMENT BETWEEN THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND THE
 25 DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO COMPENSATE STATE TRUST LAND BENEFICIARIES FOR THE USE AND
 26 IMPACTS ASSOCIATED WITH HUNTING, FISHING, AND TRAPPING ON STATE TRUST LAND IS TERMINATED PRIOR TO THE
 27 EXPIRATION DATE OF THE AGREEMENT, THEN [THIS ACT] IS VOID UPON TERMINATION. THE DEPARTMENT OF NATURAL
 28 RESOURCES AND CONSERVATION SHALL NOTIFY THE CODE COMMISSIONER OF THE TERMINATION.

29 (B) IF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND THE DEPARTMENT OF FISH, WILDLIFE,
 30 AND PARKS DO NOT ENTER INTO A RENEWAL AGREEMENT PRIOR TO THE EXPIRATION DATE OF AN AGREEMENT, THEN [THIS

1 ACT] IS VOID ON THE EXPIRATION DATE OF THE AGREEMENT. THE DEPARTMENT OF NATURAL RESOURCES AND
2 CONSERVATION SHALL NOTIFY THE CODE COMMISSIONER OF THE EXPIRATION.

3 (3) IF A COURT OF COMPETENT JURISDICTION DETERMINES THAT THE AGREEMENT TO COMPENSATE STATE TRUST
4 LAND BENEFICIARIES FOR THE USE AND IMPACTS ASSOCIATED WITH HUNTING, FISHING, AND TRAPPING ON STATE TRUST
5 LANDS IS INVALID, THEN [THIS ACT] IS VOID ON THE DATE THE COURT'S JUDGMENT IS FINAL. THE DEPARTMENT OF NATURAL
6 RESOURCES AND CONSERVATION SHALL NOTIFY THE CODE COMMISSIONER OF THE ENTRY OF THE JUDGMENT.

7 (4) IF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND THE DEPARTMENT OF FISH, WILDLIFE,
8 AND PARKS RECEIVE WRITTEN NOTICE FROM THE REGIONAL DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE
9 SERVICE THAT [THIS ACT] WILL RESULT IN A LOSS OF FEDERAL FISH AND WILDLIFE FUNDS, THEN [THIS ACT] IS VOID. THE
10 DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION SHALL NOTIFY THE CODE COMMISSIONER THAT THE
11 DEPARTMENT HAS RECEIVED A NOTICE AND THE DATE UPON WHICH THE NOTICE WAS RECEIVED.

12
13 NEW SECTION. Section 9. Codification instruction. [Sections 1 and 2] are [SECTION 1] IS intended
14 to be codified as an integral part of Title 77, chapter 1, part 8, and the provisions of Title 77, chapter 1, part 8,
15 apply to [sections 1 and 2] [SECTION 1].

16
17 NEW SECTION. SECTION 10. COORDINATION INSTRUCTION. IF SENATE BILL NO. 112 AND [THIS ACT] ARE
18 BOTH PASSED AND APPROVED AND IF SENATE BILL NO. 112 INCLUDES AN AMENDMENT TO 87-2-202 THAT INCREASES
19 RESIDENT AND NONRESIDENT WILDLIFE CONSERVATION LICENSE FEES BY ADDING A 50-CENT SEARCH AND RESCUE
20 SURCHARGE, THEN THE RESIDENT AND NONRESIDENT WILDLIFE CONSERVATION LICENSE FEES IN 87-2-202(3)(A) AND
21 (3)(B) OF [THIS ACT] ARE INCREASED BY 50-CENTS THE AMOUNT OF THAT SURCHARGE.

22
23 NEW SECTION. Section 11. Severability. If a part of [this act] is invalid, all valid parts that are
24 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
25 the part remains in effect in all valid applications that are severable from the invalid applications.

26
27 NEW SECTION. Section 12. Effective date. [This act] is effective March 1, 2004.

28 - END -